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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,622

10/28/2003

Surya Rajan

065734.0139

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06/27/2008

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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3685

NOTIFICATION DATE

DELIVERY MODE

06/27/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,622	<b>Applicant(s)</b> RAJAN ET AL.	
	<b>Examiner</b> JOHN M. WINTER	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2-26-08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-263, 265-273 and 291-295 is/are pending in the application.
- 4a) Of the above claim(s) 9, 11-129, 131-167, 169-181, 186, 189-245, 247-263, 265-266, 291-293 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 130, 168, 182-185, 187, 246, 294 and 295 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

The Applicants amendment filed on February 26, 2008 is hereby acknowledged, via paper filed on February 26, 2008 a provisional election was made with traverse to prosecute the of Species C, claims 1-8, 10, 130, 168, 182-185, 187, 246 and 294-295. Affirmation of this election must be made by applicant in replying to this Office action. The claims of the non-elected species are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC §101***

35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed subject matter of “a framework” is not supported by “A system having a processor, memory operative with said processor, and storage media operative with said processor”. The “framework” is directed towards an abstraction of data present on the system.

Based on Supreme Court precedent<sup>1</sup> and recent Federal Circuit decisions, § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform

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<sup>1</sup> *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

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underlying subject matter (such as an article or materials) to a different state or thing.<sup>2</sup> If neither of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. § 101.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8,10,130,168,182-185,187,246 and 294-295 are rejected under 35 U.S.C. 102(e) as being unpatentable in view of Myrick et al (U.S. PG Pub No. 2004/0143470).

2. As per claims 1 and 295, Myrick et al teach a system having a processor, memory operative with the processor, and storage media operative with the processor, the system further comprising: a business framework; a database framework operative with the business framework; and a client framework operative with the business framework; wherein the business framework, the database framework, and the client framework form an enterprise system framework (*see abstract, figs -9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*)

3. As per claims 2-8, Myrick et al teach a system wherein the enterprise system framework includes one or more rapid development services that include one or more developer services to allow one or more developers to execute the enterprise system framework from a local computer

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<sup>2</sup> The Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).

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system without configuring the enterprise system framework and security, to debug one or more stored procedures to develop the business framework to generate a business framework abstraction of the business framework (*see abstract, figs -9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*).

4. As per claim 10, Myrick et al teach a system wherein the business framework abstraction allows the business framework to modify one or more business framework services that the business framework provides to one or more business objects, to modify a business framework methodology (*see abstract, figs -9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*).

5. As per claim 130, Myrick et al teach a system wherein the client framework provides rapid development services for the client framework enable the client framework to change one or more central services for one or more client forms and one or more client dialogs en masse a set of central services for client forms, client dialogs, and HTML pages includes abstraction services to abstract client forms and client dialogs from a web browser that hosts the client forms and the client dialogs providing life-cycle services notifying/allowing the client forms and the client dialogs to initialize/override the client forms and the client dialogs and further notifying the client forms and the client dialogs when a command such and get, save, refresh, delete command is invoked wherein the set of central services include performance services include caching services caching services include routing all outbound calls through a cache so that an

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outbound call need not be made if one or more results are already in the cache written in C++ wherein the performance services include asynchronous services include services which enable one or more client objects to invoke one or more server objects in an asynchronous manner downloading services enable the downloading of the client forms and other objects as a background process making the client forms, the client dialogs and the client framework light-weight include using the business objects natively (*see abstract, figs -9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*).

6. As per claims 157-167, Myrick et al teach a system wherein the central services include persistence services allow HTML page state to be preserved rapid development services include automatic updating of a status flag of the one or more business objects property services enable one or more controls on HTML pages to exhibit behavior based on properties defined for the control allows the client forms and the client dialogs to invoke business objects without coding includes loading one or more controls from specific business object data, taking action on a control selection, taking action when a get, a save, a delete, a refresh, and a history command is invoked wherein the rapid development services, the client forms and the client dialogs are written in Visual Basic include integration with a deployment apparatus to discover all binaries needing to be installed on a client machine (*see abstract, figs 1-9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*).

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7. As per claims 168-169, Myrick et al teach a system wherein an external framework operates within an enterprise application interface provides a set of central services includes protocol services include a protocol framework for incorporating new protocols into the system wherein the set of central services includes communication services include synchronous invocation services wherein the synchronous invocation services allow synchronous method invocation between objects within the external framework and one or more external clients wherein the communication services include subscribe/publish invocation services include subscribe invocation services allow external framework objects to publish events asynchronously (*see abstract, figs -9, 12A, 13A, 30, 31A, 31B, 42A, 42B, 43 and accompanied paragraphs, in addition see paragraphs 0004, 0060, 0061, 0074-0092, 0189-0202*).

8. As per claims 182-187, 246 and 294, they are dependent of claims 1 and disclose inventive concept that are already rejected in the above rejected claims. Therefore they are rejected under the same rationale.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. WINTER whose telephone number is (571)272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMW

/Jalatee Worjloh/  
Primary Examiner, Art Unit 3685